

Comments may be submitted in written form to:
Probate and Family Court Administrative Office
Two Center Plaza, Suite 210
Boston, MA 02108
ATTN. Denise M. Fitzgerald, Administrative Attorney

Comments must be received no later than November 6, 2007.

Probate and Family Court Standing Order 1-07

Probate and Family Court's Use of Information Obtained by the Department of Social Services

1. Whenever the Probate and Family Court determines that it requires information from the Department of Social Services (DSS) in order to make a determination relating to the care and custody of a child, the Court shall obtain the written consent of the party(ies) or issue an order. Such orders may, in the judge's sound discretion, be made under G. L. c. 119, §§ 51E and 51F, or any other applicable provision of law. The written consent and/or order will be docketed.
2. When contacting DSS, a designee of the Court will inform DSS that (i) the parent or guardian has consented to the release of information, or (ii) the Court has issued an order authorizing the release of information. DSS will be provided with a copy of the written consent or court order. A designee of the Court will request that DSS promptly provide the relevant documents by fax or otherwise. If additional information is provided by DSS telephonically, the information shall be reduced to writing by a designee of the Court.
3. Prior to a hearing, the party(ies) and counsel shall be given the opportunity to review all documents obtained from DSS and, if information was received telephonically, the written report of such information. The written telephone record and documents shall be available to the Court at the hearing and the Court shall afford the appropriate weight, if any, to the materials.
4. At the hearing, the Court shall afford a party the opportunity to rebut information about the party that might appear in the written telephone record or DSS documents, and otherwise to respond to the written telephone record and DSS documents.
5. In order to protect the privacy of the parties and the children involved, all information received from DSS will be maintained confidentially by the Court and will be made available to parties, counsel and any other individual who would otherwise be authorized to have access to such information, who shall treat such information confidentially. The information will be maintained either in the Registry of Probate or the Probation Department and shall be impounded and kept separate from the case file.
6. Nothing in this procedure shall be construed to preclude a judge from issuing such other or additional orders or rulings, not referred to herein, as the judge might determine are appropriate in the circumstances.